

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 MYRON BRANDON,)
09 Plaintiff,) CASE NO. C10-0360-JCC-MAT
10 v.) ORDER DENYING PLAINTIFF'S
11 SHERYL ALLBERT, et al.,) MOTION FOR DEFAULT
12 Defendants.) JUDGMENT

14 This matter comes before the Court on plaintiff's motion for default judgment. The
15 Court, having considered plaintiff's motion, and the balance of the record, does hereby find and
16 ORDER as follows:

17 (1) Plaintiff's motion for default judgment (Dkt. No. 17) is DENIED. Plaintiff
18 asserts in the instant motion that he is entitled to entry of judgment in his favor because
19 defendants violated this Court's March 23, 2010 Order directing that they file an answer to
20 plaintiff's complaint within 60 days. The record reflects that Dr. Allbert and Superintendent
21 Frakes timely filed their answer to plaintiff's complaint on May 19, 2010. (Dkt. No. 13.)
22 Plaintiff's motion is therefore moot with respect to these two defendants.

**ORDER DENYING PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

While Dr. Andrews did not file his answer until June 17, 2010 (*see* Dkt. No. 16), the record suggests that this delay is likely attributable to the fact that the service address provided by plaintiff for Dr. Andrews was not current and, thus, Dr. Andrews did not receive the service packet mailed by the Court until on or about May 4, 2010 (*see* Dkt. No. 12). Thus, Dr. Andrews' failure to file a timely answer is clearly justified.

(2) The Clerk is directed to send a copy of this Order to plaintiff and to counsel for defendants.

DATED this 22nd day of June, 2010.



Mary Alice Theiler
United States Magistrate Judge